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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/695,184	10/23/2000	Henri Jacques Suermondt	10990497-1	2827

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EXAMINER

CAO, CHUN

ART UNIT	PAPER NUMBER
2185	

DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

29

Office Action Summary

Application No.

09/695,184

Applicant(s)

SUERMONDT ET AL.

Examiner

Chun Cao

Art Unit

2185

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5-11 and 15-20 is/are rejected.
- 7) ☒ Claim(s) 2-4 and 12-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-20 are presented for examination.
2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The current title is imprecise.

Claim Rejections - 35 U.S.C. § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1, 5-11 and 15-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Sekiya et al. (Sekiya), U.S. Patent No. 6,484,128.

As per claim 1, Sekiya teaches a method for determining a predicted health of a set of components of a system that would result from an application of a proposed intervention to an existing system [col. 3, lines 16-20], comprising the steps of:

determining a set of modifications [replacing a hardware module] involved in the proposed intervention, each modification involving one or more the components of the existing system [col. 4, line 65-col. 5, line 3];

for each modification, obtaining a set of component information that pertains to the modification from a knowledge base [10f, fig. 2], each set of component information specifying a set of interdependencies among the components involved in the modification [figs. 4, 11; col. 5, lines 29-32; col. 8, lines 39-42];

for each modification, determining whether the inter-dependencies specified in the component information are satisfied [col. 10, lines 1-8].

As per claim 5, Sekiya teaches the inter-dependencies include one or more conflicting components for one or more of the components [col. 5, lines 1-3, 29-33].

As per claim 6, Sekiya teaches the inter-dependencies include a conflicting configuration for one or more of the conflicting components [col. 5, lines 1-15, 22-33].

As per claim 7, Sekiya teaches the inter-dependencies include a conflicting set of parameters [property data] for one or more of the conflicting components [col. 5, lines 1-15, 22-33].

As per claim 8, Sekiya teaches of determining one or more changes to the proposed intervention in response to the predicted health [compatibility between modules][col. 10, lines 1-8].

As per claim 9, Sekiya teaches of generating a predicted health indicator [fig. 18, col. 9, line 66-col. 10, line 3].

As per claim 10, Sekiya teaches of determining an indication of uncertainty associated with the predicted system health [col. 10, lines 9-16].

5. As per claims 11 and 15-20, Sekiya teaches the claimed method of steps of claims 1 and 5-10. Therefore, Sekiya teaches the claimed apparatus for carrying out the method of steps.

Allowable Subject Matter

6. Claims 2-4 and 12-14 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art of record does not teach or suggest, individually or in combination, such as the inter-dependencies include a set of prerequisite components for one or more of the components.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lewis et al., US patent no. 5,761,380, teaches a method of installing a network application across a plurality of computer systems; and determining an adequate level of performance for number of users in a cell if all of the network application are installed on the local computer system [col. 1, lines 62-15].

Any response to this action should be mailed to:

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or faxed to:

(703) 746-7239, (for formal communications intended for entry)

Or:

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"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121
Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chun Cao at (703) 308-6106. The examiner can normally be reached on Monday-Friday from 7:30 am - 4:00 pm. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor Thomas Lee can be reached at (703) 305-9717. The fax number for this Art Unit are followings: After-Final (703) 746-7238; Official (703) 746-7239; Non-Official (703) 746-7240.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 306-5631.



Chun Cao

Aug. 8, 2003